

# Late Backup

## Coalition Contact Sheet

A coalition of civil rights, legal, workers rights, homeless advocates, faith and other groups have been working together to defeat any expansion of the existing solicitation ordinance in Austin. Below are some of the people who have been directly involved.

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October 16, 2007

As a coalition representing diverse community groups in Austin, we want to ensure that City Council creates effective policy that addresses issues of public safety, however, we believe the proposed anti-solicitation ordinances to be a misguided and ineffectual response to these concerns because

- They are too broad and an unnecessary expansion of Austin's already extensive bans on solicitation
- They are unconstitutional and violate the First Amendment
- They will be very costly to enforce
- They are unnecessary. Laws to ensure public safety already exist
- We need long-term solutions to address public safety, not unconstitutional ordinances that will be overturned in the courts
- It will affect the most marginalized populations- homeless and immigrant day laborers- who could be fined or arrested while seeking charitable donations or work
- It criminalizes the poor and does not address the root causes of solicitation- the lack of resources for the poor
- There is no direct correlation between pedestrian deaths and solicitation, we need policy that effectively address issues of public safety and ensures protection of First Amendment rights

### **Recommendations**

- **Implement the Day Labor Community Advisory Committee's "Best Practices"** recommendations that would alleviate the number of day laborers seeking work on street corners
  - a Do not utilize anti-solicitation ordinances to criminalize the constitutionally protected free speech of Austin residents, including day laborers <sup>a</sup>
  - b Allow workers to set the job distribution and rules process themselves. (Worker participation gives day laborers a sense of ownership and a greater "buy in" and commitment to making the day labor center a success) <sup>b</sup>
  - c Develop a broad publicity strategy to attract employers to the center <sup>c</sup>
  - d Provide trainings to day laborers, including ESL & Spanish classes, worker health and safety, and workers' rights <sup>d</sup>
  - e Develop responses to wage theft that are addressed at the day labor center or referred to other organizations <sup>e</sup>
- **Enforce existing public safety laws** such as those in the Austin City Code and the Texas State Code.
  - a Jaywalking
  - b Blocking a sidewalk (§ 552 006 USE OF SIDEWALK)
  - c Standing in a roadway (§ 552 007 SOLICITATION BY PEDESTRIANS & § 552 006 USE OF SIDEWALK)
- **Create innovative low cost solutions** to ensure pedestrian and student safety, at schools located near busy intersections
  - a Hire crossing guards at busy intersections where schools are located, to ensure children's safety
  - b Have police officers monitor Travis High School at the beginning and end of the day to ensure students safely cross busy intersections

- **Expand resources for Austin's homeless population** that will help alleviate root causes of poverty
  - a Expand housing for the homeless. Currently there are only 687 emergency beds in Austin while the city/county health department places the number of people experiencing homelessness in the area between 2,000 and 4,000.<sup>f</sup>
  - b Create respite care for the homeless. Currently Austin has no staffed respite facilities for needy individuals discharged from hospitals.
  - c Provide more employment training and job placement programs for the poor to support Austin's poor to become self-sufficient.

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<sup>a</sup> Day Labor Community Advisory Committee, Recommendations on Policy, Procedures and Strategy Concerning Day Labor Final Report, pg. 57 June, 2007

<sup>b</sup> Day Labor Community Advisory Committee, Recommendations on Policy, Procedures and Strategy Concerning Day Labor Final Report, pg. 11 June, 2007

<sup>c</sup> Day Labor Community Advisory Committee, Recommendations on Policy, Procedures and Strategy Concerning Day Labor Final Report, pg. 19 June, 2007

<sup>d</sup> Day Labor Community Advisory Committee, Recommendations on Policy, Procedures and Strategy Concerning Day Labor Final Report, pg. 24 June, 2007

<sup>e</sup> Day Labor Community Advisory Committee, Recommendations on Policy, Procedures and Strategy Concerning Day Labor Final Report, pg. 28 June, 2007

<sup>f</sup> Ending Community Homelessness Coalition (ECHO), ECHO Coalition Report, pg. 21 January, 2007



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## **Oppose Item #73: Don't Criminalize Asking for Charity or a Job The City Should Continue to Pursue Positive Solutions for Day Laborers and Homeless Austinites**

### **The facts do not support expanding Austin's anti-solicitation laws.**

- Austin Police Department's own documents show auto/pedestrian fatalities are not linked to asking for charity at an intersection.
- Of the 20 auto/pedestrian fatalities this year, none of the incidents can be identified as involving a person engaged in asking for charity or a job at the time of the accident
- The most frequent scenarios for pedestrian vehicle accidents involve pedestrians out in the middle of the night or crossing a major street not at a crosswalk (jaywalking) City streets can be made more safe for pedestrians by using tools that encourage drivers to slow down in areas where there are pedestrians and increase the availability of marked crosswalks and wide sidewalks in areas of pedestrian traffic.

### **Austin's homeless are in public places because they are homeless; Austin should not criminalize being homeless.**

- Austin lacks sufficient and appropriate services to give all homeless Austinites a realistic alternative to living on the street
- While complaints about solicitation in Austin have decreased from 2006, enforcement of the existing ordinances increased almost 200%.<sup>1</sup>
- The City should not be directing the police to further criminalize poverty, but support proactive solutions that address the root causes of homelessness.

### **Austin has ample existing laws to address the public safety issues that do arise involving individuals asking for charity or work near roadways.**

- Aggressive solicitation is already banned and has a broad definition.
- State law prohibits disorderly conduct, obstructing a highway (including sidewalks), and blocking a public right of way, all of which could apply to the conduct of a pedestrian who is dangerously entering a roadway.

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<sup>1</sup> "City of Austin Solicitation Ordinances and Enforcement" presented by the Austin Police Department to City Council, September 27, 2007

## **Anti-Solicitation Solutions**

**Prioritize the funding of social services that help the homeless.**

**Shift assertive outreach and engagement from law enforcement to health and human service agencies. Consider civilian patrols to monitor and discourage panhandling.**

The typical profile of a panhandler is that of an unemployed, unmarried male in his 30s or 40s, with substance abuse problems, few family ties, a high school education, and laborer's skills. Some observers have noted that younger people—many of whom are runaways or otherwise transient—are turning to panhandling. A high percentage of panhandlers in U.S. urban areas are African-American. Some panhandlers suffer from mental illness, but most do not. Many panhandlers have criminal records, but panhandlers are nearly as likely to have been crime victims as offenders. Some are transient, but most have been in their community for a long time.

**Increase the accessibility of affordable housing by increasing the amount of Emergency, Transitional and Permanent Supported Housing beds.**

### **Austin Housing Gap**

Emergency Shelter Beds— 801

Transitional Housing Beds – 1,714

Permanent Supported Housing Beds – 1,306

**Examine current policies in terms of objective information.**

Policy: Prisoner Re-entry

Policy: Housing for sex-offenders

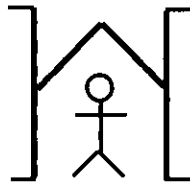
Policy: Healthcare Institutional discharges

Policy: Substance Abuse treatment for Indigent persons

**Panhandling, like many other forms of street disorder, is controlled more through informal means than through formal enforcement. Panhandlers, merchants, passersby, social workers, and police beat officers form an intricate social network of mutual support and regulation.**



*"We help those who help the homeless."*



## House the Homeless, Inc.

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December 2007

*"First they came for the Communists but I was not a Communist*

*so I did not speak out;*

*Then they came for the Socialists and the Trade Unionists but I was not one of them,*

*so I did not speak out;*

*Then they came for the Jews but I was not Jewish*

*so I did not speak out.*

*And when they came for me, there was no one left*

*to speak out for me."*

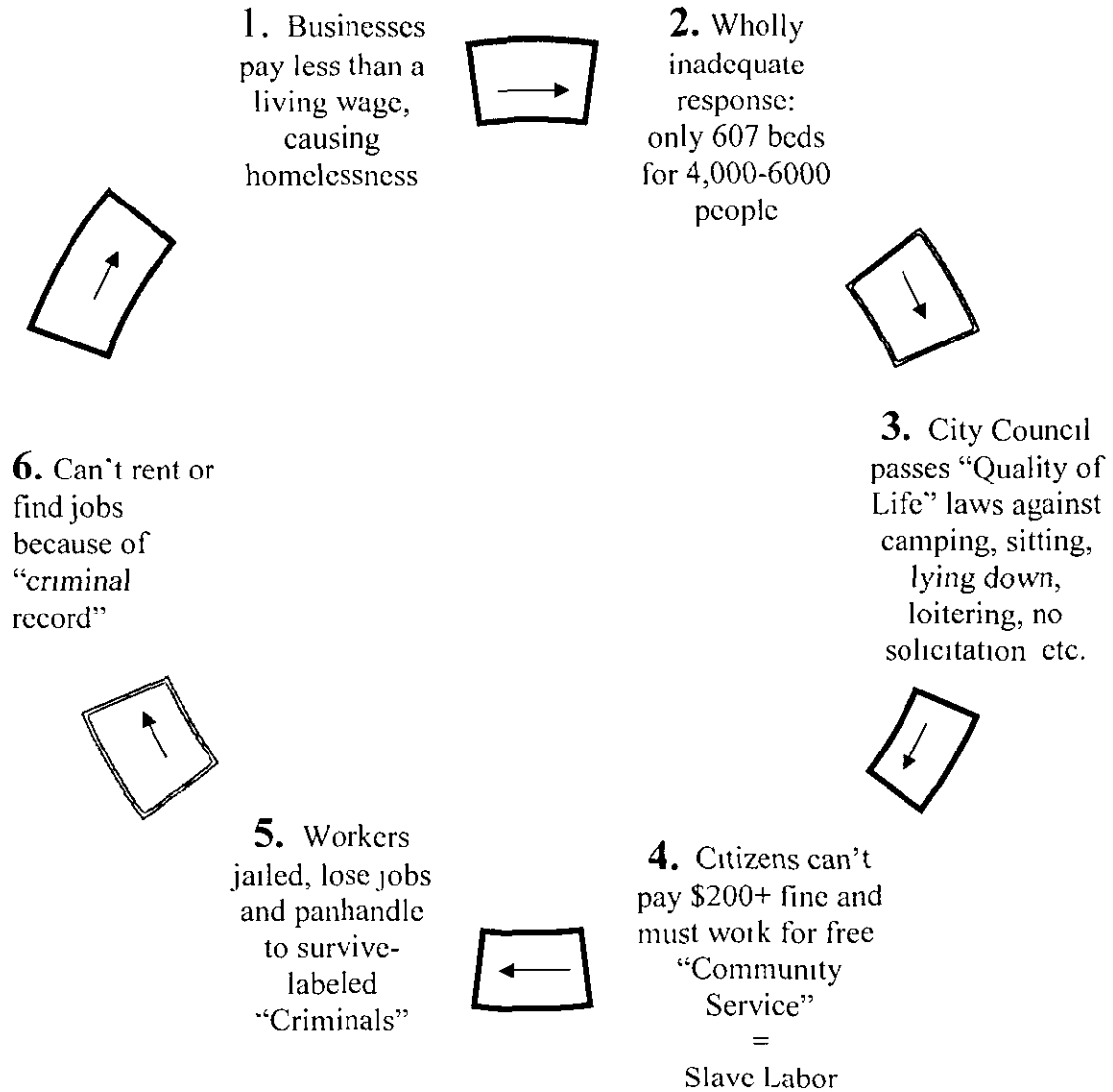
Martin Niemoller, 1892-1984

### **It is the belief of House the Homeless that:**

1) the combined efforts of the Austin City Council and the Downtown Austin Business Community starting in 1995 and continuing to this date has resulted in the creation of a **Criminalization of Homelessness Cycle**.

2) Furthermore, House the Homeless believes that if Austin businesses paid fair living wages, the issues surrounding any proposal to ban panhandling citywide and all other "Quality of Life" ordinances would be moot.

# Criminalization of Homelessness Cycle



## **Criminalization of Homeless Cycle**

1. It begins when downtown businesses (they're very businesses driving these ordinances) pay poor working people less than a living wage. They pay them so little that they can't afford the basics of life: food, clothing, shelter, and they become homeless.
2. They remain homeless because the social response is wholly inadequate with only 607 emergency shelter beds for every man, woman, and child when there are 4,000-6,000 homeless people in the estimation of the city/county health department.
3. The businesses and their cronies on City Council, then pass laws against their condition of being homeless (i.e. no sitting, no loitering, camping, no lying down, no solicitation..., "Quality of Life" ordinances for which these poor people then receive \$200+ fines.
4. The businesses and their special interest City Council members create a totally separate court system just to deal with "quality of life" violators called "Community Court." In lieu of paying the fines that they can't afford, homeless people are turned into a **free labor force** for the city when they must perform "community service." First businesses won't pay a living wage, and when we become homeless and powerless, you just take our labor.
5. Then when people have no alternative but to petition their fellow citizens for financial help (i.e. Panhandling) the downtown businesses and City Council label them as "criminals" and decry their survival activity of pan-handling as unsafe while allowing others at the same time to conduct identical activities.  
-picture of firemen in traffic
6. The cycle is completed and their continued homelessness is assured when people experiencing homelessness can't get a job or rent an apartment because of all of the "Quality of Life" tickets and warrants issued against them. As an employer, who would you hire? If you were a landlord who would you rent too?

Reality - Last year 89 people died on the streets of Austin - This year 131 deaths

House the homeless does not promote panhandling, but will fight to the death for a person to ask a fellow human being for help